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Dkt: 0575/61150/JPW/APE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

refer Applicant : Paul B. Fisher and Zao-Zhong Su
filin: U.S. Serial No. : 09/621,781
A che Filed : July 21, 2000
cover For : NUCLEIC ACIDS COMPRISING REGIONS OF THE
Attor: RAT PEG-3 PROMOTER THAT DISPLAY
 ELEVATED EXPRESSION IN HUMAN CANCER
 CELLS AND USES THEREOF

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amoun
 1185 Avenue of the Americas
 New York, New York 10036
 November 15, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO
OCTOBER 6, 2000 NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

This Communication is submitted in response to the October 6, 2000 Notice to File Missing Parts of Application Under 37 C.F.R. §1.53(b) issued in connection with the above-identified patent application. A copy of the October 6, 2000 Notice is attached hereto as **Exhibit A**. A response to the October 6, 2000 Notice is due on December 6, 2000. Accordingly, this Communication is being timely filed.

The October 6, 2000 Notice stated that the application does not comply with 37 C.F.R. 1.53(b) because the oath or declaration is unsigned and to avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. §1.116(e) of \$65.00 for small entity in compliance with 37 C.F.R. §1.27, must be submitted with the missing items identified in the October 6, 2000 Notice.

Applicant hereby submits an executed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63 (attached as **Exhibit B** hereto). The Declaration

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Assista
Washing

John P.
Reg. No
Jane M
Reg. N



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/621,781	07/21/2000	Paul B. Fisher	61150/JPW/JML

John P White
 Cooper & Dunham LLP
 1185 Avenue of the Americas
 New York, NY 10036



FORMALITIES LETTER



Date Mailed: 10/06/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/24/2000 WKOROMA 00000048 09621781

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BACKFILE DOCUMENT INDEX SHEET



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APPL PARTS

IMIS _____

Internal Misc. Paper

LET. _____

Misc. Incoming Letter

371P _____

PCT Papers in a 371 Application

A... _____

Amendment Including Elections

ABST _____

Abstract

ADS _____

Application Data Sheet

AF/D _____

Affidavit or Exhibit Received

APPENDIX _____

Appendix

ARTIFACT _____

Artifact

BIB _____

Bib Data Sheet

CLM _____

Claim

COMPUTER _____

Computer Program Listing

CRFL _____

All CRF Papers for Backfile

DIST _____

Terminal Disclaimer Filed

DRW _____

Drawings

FOR _____

Foreign Reference

FRPR _____

Foreign Priority Papers

~~IDS~~ _____

IDS Including 1449

~~20/11/08~~ _____

~~4~~ _____

Internal

SRNT _____

Examiner Search Notes

CLMPTO _____

PTO Prepared Complete Claim Set

NPL _____

Non-Patent Literature

OATH _____

Oath or Declaration

PET. _____

Petition

REMAIL _____

Mail Returned by USPS

SEQLIST _____

Sequence Listing

SPEC _____

Specification

SPEC NO _____

Specification Not in English

TRNA _____

Transmittal New Application

CTNF _____

Count Non-Final

CTRS _____

Count Restriction

EXIN _____

Examiner Interview

M903 _____

DO/EO Acceptance

M905 _____

DO/EO Missing Requirement

NFDR _____

Formal Drawing Required

NOA _____

Notice of Allowance

PETDEC _____

Petition Decision

OUTGOING

CTMS _____

Misc. Office Action

1449 _____

Signed 1449

892 _____

892

ABN _____

Abandonment

APDEC _____

Board of Appeals Decision

APEA _____

Examiner Answer

CTAV _____

Count Advisory Action

CTEQ _____

Count Ex parte Quayle

CTFR _____

Count Final Rejection

INCOMING

AP.B _____

Appeal Brief

C.AD _____

Change of Address

N/AP _____

Notice of Appeal

PA.. _____

Change in Power of Attorney

REM _____

Applicant Remarks in Amendment

XT/ _____

Extension of Time filed separate

File Wrapper

FWCLM _____

File Wrapper Claim

IIFW _____

File Wrapper Issue Information

SRFW _____

File Wrapper Search Info